

Remarks/Arguments

This Amendment is in response to the Office Action mailed June 29, 2005. Claims 1-49 remain pending.

This application is a divisional application of U.S. Appl. No. 09/773,840. Upon filing, a Preliminary Amendment was included with regards to this divisional application. Apparently, the Examiner did not receive such Preliminary Amendment of July 18, 2003. Enclosed herein is a copy of the Preliminary Amendment and a copy of the postcard receipt confirming that the USPTO received such document.

As a consequence, the Preliminary Amendment is repeated herein along with other amendments in view of the present office action. However, it unfortunately appears that the Examiner issued an Office Action on claims that were not intended to be the subject of this case. Applicant therefore notes as follows.

First, the Specification has been amended to incorporate cross-reference to the parent Application. In addition, the Specification has been amended to correct clerical matters in Figure 7 that were previously entered and approved in the parent case. Accordingly, no new matter has been entered in the Specification.

Claims 1-28, 30, 32 and 39-49 have been canceled. Any outstanding rejection with regards to claims 1-28 are therefore rendered moot.

Claims 29, 31 and 33-38 remain pending. Of these, claim 29 has been amended to recite that the cover layer further includes a foam layer, wherein the light pipe is molded in the foam layer. Support can be found at page 10 lines 2-14. No new matter has been entered. Claim 29 has also been amended to include the limitation of a foam layer (original claim 30). Support may be found at page 10 lines 2-14 which recite that

the trim panel has a foam/cushion layer and “[t]he light pipes can be molded in place with the foam or cushion layer or inserted in openings formed through the foam/cushion layer with a laser or other cutter.”

New method claims 50-54 presented herein were presented in the un-entered Preliminary Amendment as claims 55-59. New method claims 50-54 herein are fully supported by the specification. Independent claim 50 is supported by the specification at page 10, lines 2-14, which discloses the use of light pipes positioned behind a light transmissive cover skin.

Turning to the rejections, the Examiner has rejected claims 29-34, under 35 U.S.C. 102(b) as being anticipated by Lang, et al. (United States Patent No. 5,516,143). The Examiner appears to rely upon the feature 12 in FIG. 2 of Lang as amounting to a light pipe. Upon closer inspection of Lang et al, item 12 in FIG. 2 is literally described as a “light transmitting window.” This is not believed to satisfy the requirement of a light pipe. In that sense, it is submitted that Lang et al does not support a rejection under 35 USC 102 and/or 103.

Accordingly, Lang, et al. discloses the use of an LED as a light source (item 18 in FIG. 2) but does **not** teach or suggest the use of a light pipe as recited in the claims. As disclosed in the specification, a light pipe may be made from a fiber optic. Page 10, lines 5-6. Accordingly, one of ordinary skill in the art would appreciate that light pipes may be used to transfer and distribute light over some distance and may comprise a lined hollow tube or solid core (fiber optics). The light may be injected in one end of the tube and reflect off the inside walls traveling away from the source.

In addition, as amended, claim 29 recites that the cover layer includes a foam layer and the light pipe is molded in the foam layer and that the light pipe is positioned adjacent the rear surface of the cover layer. Again, Lang et al shows light source 18 **spaced from** the cover layer 10 which includes window 12. Lang et al therefore does not teach or suggest the use of a light pipe that may be molded in the foam layer positioned adjacent the rear surface of the cover layer, nor does Lang et al appreciate that this construction would still provide transmission through the foam layer and cover layer.

Regarding item 10 of the Office Action mailed June 29, 2005, claims 35 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, et al. as applied to independent claim 29 in view of Ziadi (United States Patent No. 5,647,658).

The Examiner admits that Lang, et al. does not disclose the light pipe as a fiber optic. More to the point and as recited above, Lang, et al. is silent as to a light pipe and only mentions light source 18, which is described as a light emitting diode (LED). An LED is not a light pipe. On that basis, Applicant questions the motivation for combining Lang et al with Ziadi, given that Lange et al emphasizes that one should utilize an LED. Furthermore even if one utilized Ziadi, it still would not amount to a teaching of positioning the light pipe adjacent a rear surface of the cover layer as recited in claim 29.

Ziandi, ('658) appears to be directed at an aircraft interior lighting system wherein a high intensity light source emits light to elongated fiber optic light guides which extend the light source to various light fixtures located throughout the aircraft interior cabin. Ziandi states that "the light fixtures are comprised of reflectors, lenses and globes and do not contain lamps" (see column 2, lines 48-50 of '658). The reference is therefore directed at a different use of a fiber optic and is not directed at an automotive trim panel

comprising a light transmissive cover layer and a light pipe positioned adjacent a rear surface wherein the cover layer further includes a foam layer wherein the light pipe is molded in the foam layer. See again, claim 29.

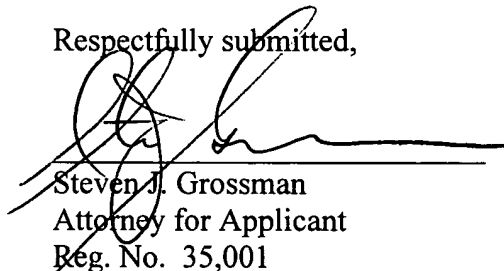
Claim 31 has been amended to depend from claim 29 as claim 30 was canceled.

In consideration of the amendments to the claims and the remarks hereinabove, Applicant respectfully submits that all claims currently pending in the application are believed to be in condition for allowance. Allowance at an early date is respectfully solicited.

In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven J. Grossman', is written over a horizontal line.

Steven J. Grossman

Attorney for Applicant

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 28, 2005, at Manchester, New Hampshire.

By


Rebecca J. Herman

Date

9/29/05



PATENT APPLICATION

Appln. of: MISARAS
Filed: July 18, 2003
For: BLACKLIGHTING METHOD FOR AN AUTOMOTIVE TRIM
Docket: TR000055RCEDIV

RECEIVED
JUL 31 2003

- Received:
1. Check for \$1069-filing fee
 2. Utility Patent Application Transmittal (1 pg)
 3. Certificate of Express Mailing dated July 18, 2003 (1 pg)
 4. Specifications (12 pgs); Claims (8 pgs); Abstract (1 pg)
 5. Drawings (5 sheets, Figs 1,2,3A,3B,4A,4B,5,6,7A,7B, 7C, 7D,7E,7F,7G)
 6. Preliminary Amendment (9 pgs)
 7. Declaration/Power of Attorney (3 pgs)
 8. Return Receipt Postcard

GROSSMAN, TUCKER,
PERREAU & PFLEGER, PLLC

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Receipt 10/622251

ONE PAGE



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David M. Misaras
Title : Backlighting Method for an Automotive Trip Panel
Docket No. : TRM TR000055RCEDIV

Mail Stop Patent Applications
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Prior to examination, please amend the application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.

Amendments to the Specification:

Please insert the following new paragraph on page 1, lines 2:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a divisional application of U.S. Application No. 09/773,840, filed January 31, 2001.

Please replace the paragraph beginning at page 10, lines 15, with the following rewritten paragraph:

Figure 7 shows a variety of opening shapes and patterns for use in the present invention. The opening can be arranged in aligned or offset rows as shown in figures 7A and 7B. The openings can be circles, squares, triangles as shown in Figures 7A, 7B and 7C respectively or any other shape. The pattern of openings can be a combination of different sizes and shapes as shown in Figures 7D and 7E. The openings can be arranged to form large patterns as shown in Figure 7F. The size, spacing, arrangement, rotation/orientation and combination of openings are selectable based on a desired result for an illumination pattern. The holes preferably should be small enough to allow for a dense pattern while not significantly weakening the cover layer. It has been discovered that the holes should be clear of ash or foreign matter that may interfere with light transmission. Hole sizes preferably between .0100 and .060" have been shown to optimize the back lighting effect disclosed herein, including all increments therebetween. However, other sizes are certainly suitable, provided the backlighting is still obtained.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-15 (Cancelled)

Claims 16-38 (previously withdrawn, but are now subject of this present divisional application, and appear below)

Claim 16. (Original) An automotive trim panel, comprising:

a light transmissive pliable cover layer having a first side and a second side,

a light blocking layer covering at least a portion of the transmissive layer,

a light source located on the first side of the light transmissive layer, the light blocking layer allowing light to travel from the light source through the transmissive layer to the second side only where the light blocking layer is not present.

Claim 17. (Currently Amended) The automotive trim panel of claim 16, wherein said pliable ~~cover material~~ layer has an elongation of 150%.

Claim 18. (Currently Amended) The automotive trim panel of claim 16, wherein said pliable ~~material~~ cover layer has a tensile strength below 5000 psi.

Claim 19. (Currently Amended) The automotive trim panel of claim 16, wherein said pliable ~~material~~ cover layer has a Shore Hardness between 60-100A.

Claim 20. (Original) The automotive trim panel of claim 16, further comprising a foam layer.

Claim 21. (Original) The automotive trim panel of claim 16, wherein the foam layer includes a void aligned with the light source and the void is filled with a light transmissive material.

Claim 22. (Original) The automotive trim panel of claim 16, further comprising a retainer layer.

Claim 23. (Original) The automotive trim panel of claim 16, wherein the light transmissive layer is transparent.

Claim 24. (Original) The automotive trim panel of claim 16, wherein the light blocking layer is coupled to the first side of the cover layer.

Claim 25. (Original) The automotive trim panel of claim 16, wherein the light blocking layer is coupled to the second side of the cover layer.

Claim 26. (Original) The automotive trim panel of claim 16, wherein the light source is a light emitting diode.

Claim 27. (Original) The automotive trim panel of claim 16, wherein the light blocking layer is a painted coating.

Claim 28. (Original) The automotive trim panel of claim 16, wherein the trim

panel is an automotive instrument panel.

Claim 29. (Original) An automotive trim panel, comprising:

a light transmissive cover layer having a front surface and a rear surface,
a light pipe having a first end and a second end, and a light source, wherein said first end of said light pipe is positioned adjacent to said rear surface of the cover layer and said second end is positioned adjacent said light source.

Claim 30. (Original) The automotive trim panel of claim 29, including a foam layer, wherein the light pipe is molded in the foam layer.

Claim 31. (Original) The automotive trim panel of claim 30, wherein the light pipe is inserted in an opening formed in the foam layer by a laser.

Claim 32. (Original) The automotive trim panel of claim 29, wherein the cover layer is light transmissive.

Claim 33. (Original) The automotive trim panel of claim 29, wherein the cover layer is transparent.

Claim 34. (Original) The automotive trim panel of claim 29, wherein the light pipe is made of an acrylic polymer material.

Claim 35. (Original) The automotive trim panel of claim 29, wherein the light pipe is a fiber optic.

Claim 36. (Original) The automotive trim panel of claim 29, wherein the light source is a light emitting diode.

Claim 37. (Original) The automotive trim panel of claim 29, further comprising a plurality of light pipes.

Claim 38. (Original) The automotive trim panel of claim 29, further comprising a colored filter in series with the light source to change the color of the exiting light.

Claim 39-49. (Canceled)

Claims 50-59 (New)

50. (New) An automotive trim panel, comprising:
forming a light transmissive pliable cover layer having a first side and a second side,
forming a light blocking layer covering at least a portion of the transmissive layer,
providing a light source located on the first side of the light transmissive layer, the light blocking layer allowing light to travel from the light source through the transmissive layer to the second side only where the light blocking layer is not present.

51. (New) The method of claim 50, wherein said pliable cover layer has an elongation of 150%.

52. (New) The method of claim 50, wherein said pliable cover layer has a tensile strength below 5000 psi.

53. (New) The method of claim 50, wherein said pliable cover layer has a Shore Hardness between 60-100A.

54. (New) The method of claim 50, further comprising a foam layer.

55. (New) A method of back lighting an automotive trim panel, comprising:
forming a light transmissive cover layer having a front surface and rear surface,
providing a light pipe having a first end and a second end, and a light source,
wherein said first end of said light pipe is positioned adjacent to said rear surface of the cover layer and said second end is positioned adjacent said light source.

56. (New) The method of claim 55, wherein said cover layer has an elongation of 150%.

57. (New) The method of claim 55, wherein said cover layer has a tensile strength of 5000 psi.

58. (New) The method of claim 55, wherein said cover layer has a Shore Hardness between 60-100A.

59. (New) The method of claim 55, further comprising a foam layer.

REMARKS/ARGUMENTS

This Divisional Application should retain the priority filing date of the original application of January 31, 2001 as no new matter has been entered. Accordingly, reconsideration and re-examination are requested.

Specification has been amended to incorporate cross-reference to the parent application. In addition, the specification has been amended to correct clerical matters in figure 7 that were previously entered and approved in the parent case. Accordingly, no new matter has been entered in the specification.

New method claims 50-59 are fully supported by the specification. Independent method claim 50 is supported by the specification at page 9, lines 4 to page 10, lines 1, which disclose a method of illuminating a trim panel that makes use of a transparent or translucent skin material and a paint layer (i.e., light blocking layer) applied over portions of the surface of the pliable cover. Independent claim 55 is supported by the specification at page 10, lines 2-14, which disclose the use of light pipes positioned behind a light transmissive cover skin.

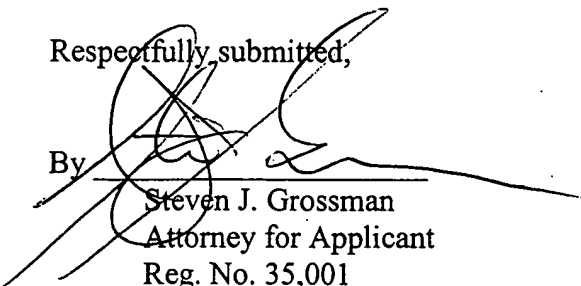
In consideration of the amendments to the claims and the remarks hereinabove, Applicants respectfully submit that all claims currently pending in the application are believed to be in condition for examination.

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In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,

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CERTIFICATE OF MAILING

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by:


Dana Robertson